

AO 440 (REV. 10/95) SUMMONS IN A CIVIL ACTION - COURT WCD 4/99

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

SUMMONS IN A CIVIL ACTION

ROBBINS ENTERTAINMENT LLC, SONY BMG
MUSIC ENTERTAINMENT AND ROCKS LLC,

Plaintiffs,

v.

KOCH ENTERTAINMENT DISTRIBUTION,
SHERIDAN SQUARE ENTERTAINMENT, INC.,
MUSICRAMA, INC.

Defendants.

CASE NUMBER:

07 CIV 9236

JUDGE BUCHWALD

TO: (Name and Address of Defendant)

Koch Entertainment
Distribution
22 Harbor Park Drive
Port Washington, NY 11050

Sheridan Square
Entertainment, Inc.
59 West 19th Street, 6th Floor
New York, NY 10011

Musicrama, Inc.
43-01 22nd Street, 6th Floor
Long Island City, NY 11101

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFFS' ATTORNEY (name and address)

Eleanor Lackman
Arnold & Porter LLP
399 Park Avenue
New York, NY 10022

an answer to the complaint which is herewith served upon you, within **20** days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

OCT 15 2007

J. MICHAEL McMAHON

CLERK

Manos Quintero

(BY) DEPUTY CLERK

DATE

AFFIDAVIT OF SERVICE

R.D. WELLS SERVICES

Index # 07 CIV 9236

STATE OF NEW YORK UNITED STATES DISTRICT Court, SOUTHERN DISTRICT OF NEW YORK

ROBBINS ENTERTAINMENT LLC,etal

Plaintiff

against

Defendant

KOCH ENTERTAINMENT DISTRIBUTION,etal

STATE OF NEW YORK

County of: **ALBANY**

Robert Wells, being duly sworn, deposes and says that he/she is over the age of eighteen(18) years; that on: **10/24/2007** at the office of the Secretary of State, of the State of New York in the City of Albany, New York, he/she served the annexed **Summons & Civil Action Complaint with Civil Cover Sheet, Corporate Disclosure Statement, Individual Practices of Judge Debra Freeman & Naomi Reice Buchwald on MUSICRAMA, INC.**

Defendant in this action, by delivering to and leaving with **Donna Christi** an authorized agent in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of **\$40.00** Dollars. That said service was made pursuant to Section **306**, Business Corporation Law.

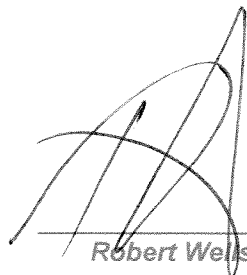
Deponent further says that he/she knew the person so served as aforesaid to be an authorized agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Deponent further states that he/she describes the person actually served as follows:

Sex: Skin Color: Hair Color: Age (Approx.) Height (Approx.) Weight (Approx.)

Female White Blond 43 5'2 145

Other Identifying Features:


Robert Wells

Sworn to before me, this

26 day of **OCTOBER**, 20**07**


Notary Public-Commissioner of Deeds

**R. D. WELLS SERVICES
P.O. BOX 3931
ALBANY, NY 12203**

**ROSEMARY LANNI
Notary Public, State of New York
Qualified in Albany County
Reg No 4904277
Commission Expires Nov 2, 2009**

ROBBINS ENTERTAINMENT LLC

Plaintiff(s) Petitioner(s)

against

KOCH ENTERTAINMENT DISTRIBUTION

Defendant(s) Respondent(s)

Calendar No.

AFFIDAVIT
OF
SERVICE

STATE OF DELAWARE, COUNTY OF: NEW CASTLE

Ss.:

The undersigned, being sworn, says: Deponent is not a party herein, is over 18 years of age and resides at Wilmington, DE

On 10/24/07 at 1:00 PM .M., at C/O CORPORATION SERVICE CO 2711 CENTERVILLE RD. WILMINGTON, DE

deponent served the within

- ☒ summons and complaint
☐ subpoena duces tecum
☐ citation

on SHERIDAN SQUARE ENTERTAINMENT, INC

☒ defendant ☐ witness hereinafter called therein
☐ -espondent the recipient lamed

INDIVIDUAL

1. ☐ by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as

CORPORATION

2. ☒ a DELAWARE corporation, by delivering thereat a true copy of each to MARY DRUMMOND

personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be PROCESS AGENT thereof

SUITABLE
AGE PERSON

3. ☐ by delivering thereat a true copy of each to a person of suitable age and

discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling place ☐ usual place of abode within the state.

AFFIXING TO
DOOR, ETC.

4. ☐ by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling place

☐ usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

MAILING TO
RESIDENCE
USE WITH 3 OR 4

5A. ☐ Deponent talked to at said premises who stated that recipient ☐ lived ☐ worked there.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient at recipient's last known residence, at and deposited

said envelope in an official depository under exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO
BUSINESS
USE WITH 3 OR 4

5B. ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to recipient at recipient's actual place of business, at

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

DESCRIPTION

☐ Male ☒ White Skin ☒ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.
☒ Female ☐ Black Skin ☐ Brown Hair ☐ Balding ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100- 130 Lbs.
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☒ 36-50 Yrs. ☒ 5'4"-5'8" ☒ 131-160 Lbs.
☐ Brown Skin ☐ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☐ 5'9"-6'0" ☐ 161-200 Lbs.
☐ Red Skin ☐ Red Hair ☐ Glasses ☐ Over 65 Yrs. [- I Over 6' ☐ Over 200 Lbs.

Other identifying features:

WITNESS
FEES

\$ the authorizing traveling expenses ☐ was paid (tendered) to the recipient
and one days' witness fee: ☐ was mailed to the witness with subpoena copy.

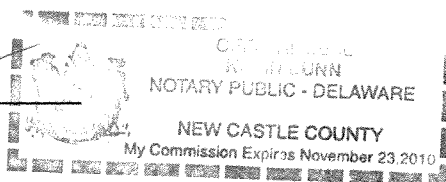
MILITARY
SERVICE

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on 10/24/07

License No.

KEVIN S. DUNN



AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
SOUTHERN District of NEW YORK

10-29-07

Index Number: 07 CIV 9236

Date Filed: _____

Plaintiff:

ROBBINS ENTERTAINMENT LLC, ET AL

vs.

Defendant:

KOCH ENTERTAINMENT DISTRIBUTION, EL AL

For:

ARNOLD & PORTER
399 Park Avenue
New York, NY 10022

Received by GOTCHA ATTORNEY SERVICES, INC. on the 29th day of October, 2007 at 10:13 am to be served on **KOCH ENTERTAINMENT DISTRIBUTION, 22 HARBOR PARK DRIVE, PORT WASHINGTON, NY 11050.**

I, Shawn Hubbard, being duly sworn, depose and say that on the **30th day of October, 2007 at 1:00 pm, I:**

Served the above entity by delivering a true copy of the **SUMMONS & COMPLAINT IN A CIVIL CASE WITH INDEX NUMBER AND DATE FILED to: MAUREEN BROWN as RECEPTIONIST** at the address of: **22 HARBOR PARK DRIVE, PORT WASHINGTON, NY 11050**, who stated they are authorized to accept service for **KOCH ENTERTAINMENT DISTRIBUTION**

Description of Person Served: Age: 43, Sex: F, Race/Skin Color: Black, Height: 5'5", Weight: 160, Hair: Black, Glasses: Y

I am over the age of eighteen, have no interest in the above action and have the authority to serve process pursuant to CPLR 2103.



Shawn Hubbard
Process Server

Subscribed and Sworn to before me on the 31st day of October, 2007 by the affiant who is personally known to me.


NOTARY PUBLIC

ANDREA MOLODY
Notary Public, State of New York
No. 01MO6037166
Qualified in Suffolk County
Commission Expires Feb. 14, 2010

GOTCHA ATTORNEY SERVICES, INC.
P.O. Drawer 1240
Aquebogue, NY 11931
(631) 369-4925

Our Job Serial Number: 2007005121